

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 105.4 (2007 Iowa Acts, chapter 198, section 4), the Department of Public Health hereby gives Notice of Intended Action to adopt new Chapter 30, "Continuing Education for Plumbing and Mechanical Systems Professionals," Iowa Administrative Code.

These proposed rules describe the continuing education requirements for licensees covered under Iowa Code chapter 105. These rules also describe the standards governing the criteria for continuing education activities; the procedure for auditing licensees' continuing education reports; the grounds for exempting continuing education requirements; and the grounds for extending the time in which a licensee may fulfill the continuing education requirements.

Any interested person may make written comments or suggestions on the proposed rules on or before January 6, 2009. Such written comments should be directed to Cindy Houlson, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4529 or by E-mail to choulson@idph.state.ia.us.

Also, there will be a public hearing on January 6, 2009, from 10 a.m. to 2 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

The hearing will originate from the Iowa Communications Network (ICN) Room on the sixth floor of the Lucas State Office Building and will be accessible over the ICN from the following additional locations:

- Sioux City Public Library, 529 Pierce Street, Sioux City;
- Council Bluffs Public Library, 400 Willow Avenue, Council Bluffs;
- Waterloo Public Library, 415 Commercial Street, Waterloo;
- Ottumwa Public Library, 102 West 4th Street, Ottumwa;
- Bettendorf Public Library, 2950 Learning Campus Drive, Bettendorf.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Department of Public Health and advise of specific needs.

These rules are intended to implement Iowa Code chapter 105.

The following amendment is proposed.

Adopt the following **new** 641—Chapter 30:

CHAPTER 30
CONTINUING EDUCATION FOR PLUMBING AND
MECHANICAL SYSTEMS PROFESSIONALS

641—30.1(105) Definitions. For the purpose of these rules, the following definitions shall apply:

"Approved program/activity" means a continuing education program/activity meeting the standards set forth in these rules.

"Audit" means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

"Board" means the plumbing and mechanical systems examining board as established pursuant to Iowa Code section 105.3.

“*Continuing education*” means planned, organized learning acts acquired during licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee in actual attendance at and in completion of an approved continuing education activity.

“*License*” means a license to work in a specific discipline covered under Iowa Code chapter 105.

“*Licensee*” means any person licensed to work in a specific discipline covered under Iowa Code chapter 105.

641—30.2(105) Continuing education requirements.

30.2(1) The biennial continuing education compliance period shall begin on the license issue date and end two years later on the license expiration date.

30.2(2) Each biennium:

a. A master or journey licensee shall be required to complete a minimum of 8 hours of board-approved continuing education, of which 4 hours shall be in the prescribed practice discipline. A minimum of 2 hours of the 8 hours shall be in the content area of the applicable Iowa plumbing or mechanical codes, and 2 hours of the 8 hours shall be in the content area of the Iowa Occupational Safety and Health Act.

b. A master or journey licensee holding licenses in multiple disciplines shall obtain a minimum of 14 hours of board-approved continuing education, of which 8 hours shall be in any of the prescribed practice disciplines. A minimum of 2 hours of the 14 hours shall be in each of the content areas of the applicable Iowa plumbing code, Iowa mechanical code, or both and 4 hours of the 14 hours shall be in the content area of the Iowa Occupational Safety and Health Act.

30.2(3) It is the responsibility of each licensee to finance the cost of continuing education.

30.2(4) A licensee who is a presenter of a board-approved continuing education program may receive credit once per biennium for the presentation of the program. The licensee may receive the same number of hours granted the attendees.

641—30.3(105) Standards for continuing education programs/activities. A program/activity is appropriate for continuing education credit if the program/activity meets all of the following criteria:

30.3(1) Is board approved;

30.3(2) Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;

30.3(3) Pertains to subject matters which integrally relate to the practice of the discipline;

30.3(4) Is conducted by individuals who have specialized education, training, or experience by reason of which said individuals should be considered qualified concerning the subject matter of the program;

30.3(5) Fulfills stated program goals, objectives, or both;

30.3(6) Provides proof of attendance to licensees in attendance, including:

a. Date, location, course title, presenter(s), and board-approved course identification number;

b. Number of program contact hours;

c. Certificate of completion or evidence of successful completion of the course provided by the course sponsor; and

30.3(7) Covers product knowledge, methods, and systems of one or more of the following:

a. The theory and technique for a specific discipline.

b. The current Iowa plumbing code, Iowa mechanical code, or both.

c. The standards comprising the current Iowa Occupational Safety and Health Act.

641—30.4(105) Audit of continuing education report. The board may conduct audits to review compliance with continuing education requirements.

30.4(1) For a period of two years after the conclusion of each applicable biennium, all licensees shall retain, preserve, and provide the board, upon request, the following information:

a. Date and location of course, board-approved course identification number, course title, course description, course outline, course schedule, names and qualifications of instructors/speakers, and method of presentation; or a program brochure which includes all the information required in this paragraph;

b. Number of contact hours for program/activity attended; and

c. Individual certificate of completion issued to the licensee or evidence of successful completion of the course from the course sponsor.

30.4(2) Upon board request, a licensee must submit all information set forth in subrule 30.4(1) within 30 calendar days following the board's request. The board may grant extensions on an individual basis.

30.4(3) If the submitted materials are incomplete or unsatisfactory and the board determines that the deficiency was the result of good-faith conduct on the part of the licensee, the licensee may be given the opportunity to submit make-up credit to cover the deficit found through the audit. A licensee must complete the continuing education hours and submit documentation establishing completion of the required make-up continuing education hours to the board within 120 calendar days from the date of the board's finding of good-faith conduct.

30.4(4) A licensee's failure to provide the board with an accurate mailing address shall provide no excusable ground for noncompliance with any requirement set forth in this rule.

30.4(5) A licensee who is the subject of an audit shall be ineligible for license renewal until the completion of the audit.

641—30.5(105) Continuing education exemptions.

30.5(1) Automatic exemptions. A licensee shall be exempt from the continuing education requirement during the license biennium when that person:

a. Served honorably on active duty in the military service; or

b. Resided in another state or district having continuing education requirements for the discipline and met all requirements of that state or district for practice therein; or

c. Was a government employee working in the licensee's specialty and assigned to duty outside the United States; or

d. Was absent from the state but engaged in active practice under circumstances which are approved by the board.

30.5(2) Permissive exemptions. The board may, in cases involving exceptional hardship or extenuating circumstances, grant an exemption from some or all of the continuing education requirements.

a. A licensee seeking a permissive exemption shall apply to the board, in such form as the board may prescribe.

b. A licensee seeking a permissive exemption shall be required to provide all such documentary evidence as the board may request to establish the exceptional hardship or extenuating circumstances.

c. In the event of a claimed physical or mental disability or illness, the board may request information from a licensed health care professional who can attest to the existence of any such disability or illness.

d. A licensee who applies for a permissive exemption shall be notified in writing of the board's decision.

e. In granting an exemption, the board may impose any such additional conditions on the exemption including, but not limited to, the requirement that the licensee make up a portion of the continuing education requirements.

f. In lieu of granting a full or partial exemption, the board may grant the licensee an extension of time in which to complete the continuing education requirements.

g. The granting of an exemption shall not prohibit a licensee from seeking, or the board from granting, an exemption in a subsequent biennial continuing educational compliance period(s).

h. Permissive exemptions shall only be granted in the most exceptional and extraordinary of circumstances.

641—30.6(105) Continuing education extensions. The board may, in individual cases involving hardship or extenuating circumstances, grant an extension of time within which to fulfill the minimum continuing education requirements.

30.6(1) Hardship or extenuating circumstances include documented circumstances beyond the control of the licensee which prevent attendance at required activities.

30.6(2) All requests for extension must be made prior to the license expiration date.

These rules are intended to implement Iowa Code chapters 105 and 272C.